

Remarks

1. Summary of the Office Action

In the office action mailed May 2, 2007, the Examiner rejected claims 13-16, 20-27, and 30 under 35 U.S.C. § 103 as being allegedly obvious over U.S. Patent Application Pub. No. 2002/0174335 (Zhang) in view of U.S. Patent No. 6,834,341 (Bahl). (The Examiner did not list these claims in the Examiner's opening statement of this rejection, but Applicant assumes the Examiner meant to do so. If the Examiner did not intend to reject these claims on this basis, Applicant requests clarification.)

In addition, the Examiner rejected claims 17, 28, and 29 under 35 U.S.C. § 103 as being allegedly obvious over Zhang in view of Bahl in view of U.S. Patent No. 6,339,761 (Cottingham), and the Examiner rejected claims 18-19 under 35 U.S.C. § 103 as being allegedly obvious over Zhang in view of Bahl in view of U.S. Patent No. 6,603,758 (Schmuelling).

2. Status of the Claims

Presently pending are claims 13-30, of which claims 13, 21, and 23 are independent and remainder are dependent.

3. Consideration of Information Disclosure Statement

Applicant notes that the Examiner did not initial reference number 4 on the information disclosure statement that Applicant filed April 16, 2003. (The Examiner mailed an initialled copy of the information disclosure statement, dated July 15, 2005. However, the Examiner did not initial reference number 4.)

Applicant respectfully requests the Examiner to mail a fully initialled copy of the information disclosure statement, to confirm Applicant's understanding that the Examiner considered all of the references listed, including reference number 4.

4. Response to Rejections

The Examiner has rejected each of the independent claims as being allegedly obvious over a Zhang in view of Bahl. Applicant submits that this rejection is improper and should be withdrawn, and the claims allowed, because the combination of Zhang and Bahl fails to disclose or suggest Applicant's claimed invention. At a bare minimum, the combination fails to include the function of (i) an access network receiving from a user's selected/designated service provider an authentication response that includes a service qualification indicating one or more types of services authorized for the user and/or one or more extents of service authorized for the user, and (ii) responsive to the authentication response assigning/restricting the subscriber to operate/communicate in a layer of the access network associated with or set aside for the selected/designated service provider and according to the indicated service qualification.

In rejecting the independent claims, the Examiner relied on Zhang merely for a disclosure of sending an authentication request to a user's ISP, when the user seeks to engage in service via a particular access point. The Examiner acknowledged that Zhang fails to teach an authentication response including a service qualification that indicates one or more types of services authorized for the user and/or one or more extents of service authorized for the user, and that Zhang fails to teach, responsive to the authentication response, assigning/restricting the user to operate/communicate in a layer of the access network according to the indicated service qualification.

The Examiner relied exclusively on Bahl in an effort to make up for the admitted deficiency of Zhang. However, Bahl does not overcome Zhang's deficiency. Bahl, like Zhang, fails to teach receiving from the user's selected/designated service provider an authentication response that includes a service qualification indicating one or more types of services authorized

for the user and/or one or more extents of service authorized for the user, and, responsive to the authentication response, assigning/restricting the user to operate/communicate in a layer of the access network set aside for subscribers that have been authenticated by the service provider and according to the indicated service qualification.

The Examiner asserted that Bahl teaches at column 10, lines 37-60, and column 13, lines 20-67, the function of an authentication response including a service qualification that indicates one or more types of services authorized for a subscriber and/or one or more extents of service authorized for the subscriber, and, responsive to the authentication response, assigning/restricting the user to operate in a designated layer of the access network set aside for subscribers that have been authenticated by the service provider and according to the service qualification.

However, in Applicant's previous responses, Applicant has explained why this is not the case.

In particular, there is no indication in Bahl that the assignment of a user to a type of service, extent of service, or both is done as part of the authentication process. And there is specifically no indication in Bahl that an authentication response from a subscriber-selected/designated service provider includes a service qualification that indicates types/extents of service authorized by the subscriber as recited in Applicant's claims.

According to Bahl, once the PANS server receives notification of a subscriber's authentication, the PANS server can then, if necessary, receive any additional information about the user it needs. (Bahl, col. 13, lines 24-26). However, Bahl does not teach receiving from the subscriber's selected/designated service provider an authentication response that includes both (i) information authenticating a subscriber and (ii) a service qualification for the subscriber as specifically recited in Applicant's claims. At a minimum, Bahl does not teach responsively

assigning the subscriber to operate in a particular logical layer of an access network and according to a service qualification received in the authentication response/indication from the subscriber's selected/designated service provider, wherein the service qualification comprises at least one of (a) one or more types of services authorized for the subscriber and (b) one or more extents of service authorized for the subscriber.

In the final office action of November 15, 2006, the Examiner asserted that Bahl teaches "receiving a first indication that the first subscriber has been authenticated" – in that Bahl teaches the client receiving a key that indicates the client has been authenticated. However, the “key” in Bahl is not an authentication response from a subscriber-selected service provider as recited in Applicant's claims. It is provided by the access network, which is not a subscriber-selected service provider but is rather the network in which the subscriber happens to be operating at the moment.

Further, also in that office action, the Examiner asserted that Bahl teaches "assigning the first subscriber to operate in a first logical layer of the access network according to a first service qualification received in the first indication, wherein the first service qualification indicates at least one of (i) one or more types of services authorized for the subscriber and (ii) one or more extents of service authorized for the user" – in that Bahl teaches that when the PANS server receives a subscriber's key, the PANS server knows from a policy manager what types of service/levels to apply for the particular client. (See 11/15/07 final office action, at pages 2-3, citing Bahl at column 10, lines 30-65, and column 13, line 65 – column 14, line 10.) However, the act of the PANS server in Bahl receiving the key *from the user* clearly does not constitute receiving an authentication response from a subscriber's selected/designated service provider as recited in Applicant's claims. Thus, that disclosure of Bahl is inapposite.

Subsequently, in the advisory action mailed February 2, 2007, the Examiner asserted in substance that Applicant's claims are broad enough to read on the "key" of Bahl, since "key" is what permits user access. (*See* page 2 of the advisory action.) However, as Applicant pointed out in the RCE submission, the fact that the "key" in Bahl functions to provide a user with access does not overcome the points that Applicant set forth in detail above. Bahl still fails to teach receiving from the subscriber's selected/designated service provider an authentication response that includes both information authenticating a subscriber and a service qualification for the subscriber as specifically recited in Applicant's claims, and responsively assigning the subscriber to operate in a particular logical layer of an access network and according to a service qualification received in the authentication response/indication from the subscriber's selected/designated service provider.

In the latest office action, the Examiner did not rebut Applicant's logical explanation of why Bahl fails to teach the functions of Applicant's independent claims. Rather, the Examiner summarily cited largely the same portions of Bahl that the Examiner cited before and, without explanation, asserted that those portions teach Applicant's claim functions.

Because Bahl fails to make up for the admitted deficiency of Zhang, the combination of Zhang and Bahl necessarily fails to disclose or suggest the invention of Applicant's independent claims. Consequently, Applicant submits that *prima facie* obviousness of the independent claims over Zhang in view of Bahl does not exist, and that the independent claims are therefore allowable. Furthermore, without conceding the Examiner's other assertions, Applicant submits that the dependent claims are allowable for at least the reason that they depend from the allowable independent claims.

5. Conclusion

For the foregoing reasons, Applicant submits that all of the pending claims are in condition for allowance, and Applicant thus respectfully requests favorable reconsideration.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is welcome to call the undersigned at (312) 913-2141.

Respectfully submitted,

**MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

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By: /Lawrence H. Aaronson/
Lawrence H. Aaronson
Reg. No. 35,818